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In re application of
John Rexroad .
Serial No. 09/193,989
Filed: November 18, 1998
For: SHRINKING NET AND SYSTEM

DECISION ON
PETITION

This is a response to the PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181(a), filed January 8, 2004. The petition requests that the abandonment, as set forth in the Notice of Abandonment mailed on December 17, 2003, for failure to timely file a proper reply to the Office letter mailed May 6, 2003 be withdrawn since applicants did timely file a reply on November 3, 2003 as indicated by the Certificate of Mailing, and further evidenced by a copy of the Return Postcard identifying the papers filed (Office Action Response (5 Pages); Fee Transmittal; Petition for Extension of Time; Check information; and Itemized Certificate of Mailing), and showing the USPTO receipt stamp dated November 6, 2003. (A copy of the reply is attached to the instant petition as well as a copy of the USPTO date stamped postcard receipt.)

DECISION

The instant request has been accepted as a petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 (no fee) - no abandonment-in-fact. A review of the evidence presented reveals that applicant's reply was properly filed on November 3, 2003 as evidenced by the Certificate of Mailing and stamped Return Postcard. Moreover, the extension of time fees sent with the reply on November 3, 2003 was credited to this application on November 7, 2003 in RAM. Accordingly, any holding of abandonment for failure to timely file a proper reply to the Office letter mailed May 6, 2003 is hereby vacated, and the application is returned to pending status.

The application shall be forwarded to the examiner for entry, processing and consideration of the reply originally filed on November 3, 2003 as indicated by applicant.

The Petition is **GRANTED**.

Omstone

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